THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No.20914 of 1995

Dated: 19.09.2006

Between:

Smt. P. Chandrakala

… Petitioner

AND

The Regional Manager (P.A. Dept.,)
Indian Overseas Bank,
Regional Office, Basheerbagh,
Hyderabad & another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.20914 of 1995

ORDER:-

In this writ petition the petitioner is seeking the relief of her regular appointment for the post of sweeper in the proposed branch at Raj Bhavan road, Hyderabad.

The petitioner claims to belong to S.C. community and was appointed in a leave vacancy as sweeper in Pathargatty branch in the month of October 1983. It is further the case of the petitioner as can be seen from the averments made in the affidavit filed in support of the writ petition that she worked for 382 days in the 2nd respondent branch and that she was being engaged to work in leave vacancies as and when they arose. On the eve of the opening of a new branch at Raj Bhavan road, the petitioner claims to have approached the 2nd respondent for her appointment on permanent basis and that the petitioner not having succeeded in her attempt to get the appointment, she filed the present writ petition.

In the counter-affidavit filed by the Senior Manager of Pathargatty branch, the claim of the petitioner that she was being appointed in leave vacancies whenever they arose has been admitted. However, it is stated that as per the norms of the Bank, the regular sweepers can

be appointed only from the persons drawn from the Employment Exchange after following due procedure with regard to the qualification, age etc. It is further mentioned in the counter that the petitioner is not drawn from the Employment Exchange and that therefore, the petitioner is not entitled to the appointment on regular basis.

Having considered the rival contentions, I am of the view that the petitioner does not have any legally enforceable right for grant of relief sought for in the writ petition.

Merely, because the petitioner was engaged in leave vacancies purely on temporary basis, she does not acquire any right to make a claim for permanent appointment. If the petitioner possesses the requisite qualifications and eligibility, it is always open to her to offer herself for the employment as and when the respondents notify the vacancies and to seek to fill them up. The writ petitioner is therefore, not entitled to the relief as sought for in the writ petition.

The writ petition is therefore dismissed. No order as to costs.

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C.V. NAGARJUNA REDDY, J

Date: 19.09.2006
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